

IN THE UNITED STATES BANKRUPTCY COURT
District of Puerto Rico

In the Matter of:

**FRANCISCO MERCADO HERNANDEZ
RUTH DALIA ALVAREZ MARTINEZ**

Debtor(s)

Case No. **10-05197 BKT**

Chapter 7

**OPPOSITION TO DISMISSAL AND REQUEST TO CONTINUE
HEARING OF CONFIRMATION**

TO THE HONORABLE COURT:

The undersigned, attorney for the above-named debtors, notifies the Court as follows,

1. The trustee filed a motion requesting dismissal in the present case dated August 4, 2010. In the motion to dismiss it is alleged that debtors have not complied with certain amendments and/or documents requested in the meeting of creditors.
2. Very often the evidence requested by the trustee is not available immediately, particularly when third parties are involved and in this case the trustee wanted evidence of the pay off balance of debtor's mother residential home in order to calculate potential inheritance interest for debtor. This is why the evidence has not been provided as expedite as desired. Nevertheless, all the evidence requested has been uploaded in the trustee website as follows:
 - a. Vehicle insurance for debtors' vehicle and a Chevrolet HHR sold to Osvaldo Castillo (yearly premium).
 - b. Health insurance premium paid every month.
 - c. Tithes paid annually to debtors' church, prorated monthly in schedule J.
 - d. Balance of a recapture amount pending to be repaid (\$35,167.66) and due in case debtor's mother sold the property or a burden to her inheritors in the event she passed away.
 - e. Analysis of a hypothetical inheritance division and the amount entitled to every inheritor.
3. In consideration of the above documents debtors have amended The following:
 - a. Schedule J,
 - i. To eliminate monthly home payment erroneously attributed to debtors.
 - ii. To correct amount paid as car and home insurance (package insurance)
 - iii. To correct amount paid as health and life insurance

- iv. To include amount paid as tithes as a bonafide member of the Seventh Day Adventist Church.
 - b. Schedule B has been amended to explain that debtors sold the vehicle Chevrolet HHR, but still take care that secured creditor (First Bank) receives monthly payments.
 - c. Plan has been amended dated August 20, 2010 to increase base from \$30,540.00 to \$32,480.00 needed as suggested by the trustee. The plan was proposed in two steps of \$509.00 for 2 months and \$550.00 for 58 months. A lift of stay in favor of First Bank has been proposed regarding vehicle Chevrolet HHR and intention of debtor maintaining insurance until loan is paid off in both cars (the one sold and the one held).
4. All amendments were made today and therefore the trustee had no time to evaluate them for recommendation, and we are therefore requesting that confirmation hearing be rescheduled or time given to the trustee for that purpose.

WHEREFORE, we respectfully request from this Honorable Court to take notice of the previously informed, deny motion to dismiss and confirm amended plan dated August 20, 2010.

I HEREBY CERTIFY, that on this date, a copy of the motion was electronically filed by debtors, using the CM/ECF system, which will send notification to Alejandro Oliveras, Chapter 13 Trustee.

In Vega Baja, Puerto Rico, on this August 20, 2010.

s/ JUAN O. CALDERON LITHGOW
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